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Docket No.: 57454-248

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Shuji NAKAO, et al.	:	Confirmation Number: 4719
Application No.: 09/986,084	:	Group Art Unit: 1756
Filed: November 7, 2001	:	Allowed: March 29, 2004
	:	Examiner: C. Young
For: FOCUS MONITORING METHOD, FOCUS MONITORING APPARATUS, AND METHOD OF MANUFACTURING SEMICONDUCTOR DEVICE		

COMMENTS ON STATEMENT IN REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants note the Examiner's statement in the "REASONS FOR ALLOWANCE" contained in the Notice of Allowability dated March 29, 2004. Specifically, with regard to an Information Disclosure Statement and PTO-1449 form filed October 8, 2003, the Examiner stated the following:

3. The Examiner has considered the references cited on the form PTO-1449 to the extent that they are in English. That extent being a title and brief description of the embodiments.

Applicants request the Examiner issue a communication that clarifies this statement. In particular, Applicants note that the Information Disclosure Statement filed October 8, 2003, included an English-language translation of a Korean Office Action, and this Office

Action contained a description of both references cited in the Information Disclosure Statement. As stated in M.P.E.P. § 609(III)(A)(3):

the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

The Examiner is referred to a statement made by Applicants regarding the Korean Office Action on page two of the Information Disclosure Statement filed October 8, 2003, and reproduced below.

Each non-English language reference was cited in a corresponding foreign application search report or office action and its relevance discussed therein. A copy of the foreign search report or office action, together with an English language version thereof, is attached for the Examiner's information.

Thus, in addition to the English-language translation of both "a title and brief description of the embodiments," an English-language description of the references in a Korean Office Action was also submitted and made available to the Examiner for review.

Therefore, Applicants respectfully request that the Examiner issue a communication that clarifies that the Examiner has reviewed the English-language description of the references from the Korean Office Action. Applicants respectfully suggest that the following paragraph be inserted in place of the third enumerated paragraph in the Notice of Allowability dated March 29, 2004:

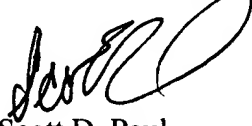
3. The Examiner has considered the references cited on the form PTO-1449 to the extent that they are in English. That extent being a title, a brief description of the embodiments, and a description of the references from an English-language translation of a Korean Office Action dated August 20, 2003, in which the references were cited.

Should the Examiner have any questions regarding this language, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the resolution of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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